

PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

JANUARY 14, 2010

A meeting of the Personnel/Administrative Affairs Committee was held on Thursday, January 14, 2010, at 7:00 p.m. in the Aldermanic Chamber.

Chairman Ben Clemons presided.

Members of the Committee present: Alderman Kathy Vitale, Vice Chair
 Alderman Arthur T. Craffey, Jr.
 Alderman Paul M. Chasse, Jr.
 Alderman Richard P. Flynn

Members Not in Attendance:

Also in Attendance: Mayor Donnalee Lozeau

ELECTION OF A COMMITTEE CLERK

Chairman Clemons called for nominations for Committee Clerk

ALDERMAN CHASSE NOMINATED ALDERMAN CRAFFEY

MOTION BY ALDERMAN VITALE TO CLOSE THE NOMINATIONS
MOTION CARRIED

ALDERMAN CRAFFEY ELECTED AS COMMITTEE CLERK FOR THE 2010-2011 TERM

INTERVIEWS

Business and Industrial Development Authority

Jason B. Haviland (New Appointment)

Term to Expire: September 13, 2012

Chairman Clemons

Mayor if you would like to come forward.

Mayor Lozeau

Thank you Mr. Chairman.

Chairman Clemons

You are welcome. I open the floor to you.

Mayor Lozeau

Thank you. I appreciate that. I am pleased tonight to present to you Mr. Jason Haviland. As I was into this year I thought I think that we have probably appointed with the help of many of you on this committee, over 150 people. We are quite fortunate to have volunteers still willing to serve.

Mr. Haviland approached my office interested in serving the community, looked through the different options available to him, which many folks do, and determined that the Business & Industrial

Development Authority was something that he was interested in. His background, as you can see from his resume, lends itself very well to that board. I think he brings a perspective that isn't really represented on the board coming from a finance company so to speak.

Also, he was willing to come attend a meeting, look at the minutes prior to committing to making a final decision. It also gave the board members a chance to meet him.

Because there are new members here tonight I think it is worthwhile for me to point out at least the overall characteristics that I look for when I bring people to this committee for your consideration. The first thing that I look for is I want to make sure that the person I am interviewing is a professional. By that I mean that they treat the public well when they come before them, that they treat their colleagues well, that they do their homework, and give thoughtful reflection to the things that come before them for their consideration. I also make sure that they don't have a conflict of interest, and that if they don't have one coming in should something arise where they may have one that they understand the process by which they would reclude themselves from participation or at least the expectation that they would do that because the process is different depending on the committee. Lastly, I make sure they are willing to give the time commitment that is associated with whichever board or committee they are interested in serving on.

Having said all of that, Mr. Haviland is certainly here before you because I believe he meets all of the criteria very well. With that, I would like to present Mr. Haviland for your consideration.

Chairman Clemons

Thank you Mayor. Mr. Haviland would you like to say anything to the committee?

Jason B. Haviland

I think the Mayor said it well. I am just a citizen, concerned, who wants to make the community I live in a better place. I looked at the boards and this one seems like a good fit. I am excited to have the opportunity to be a part of it, and am happy to answer any questions.

Alderman Chasse

To the Mayor, how many people are on this committee now?

Mayor Lozeau

As you may recall, we changed the law to allow for more members. Right now there are 12 members on the committee. We have 3 vacant positions.

Alderman Chasse

So it is going to be a 15 man committee?

Mayor Lozeau

Yes sir.

Alderman Chasse

Another good candidate. Job well done.

Alderman Flynn

I would just say that this particular committee I think their main project on their agenda right now is something that is significant to my ward, this Bridge Street redevelopment project they are trying to do that is on the very edge of Ward 7. I think it is a significant project. It will take quite a bit of time, but they have made a lot of progress on it from what I can tell. The notes are pretty published on the internet. It looks like they have made a lot of progress. They have come before the Finance Committee a couple of times with little things they wanted to do; changes to the Consent Decree.

I think you will be pretty busy with this committee, and I appreciate your attention to it. It is an important project for my ward. Thank you.

Chairman Clemons

I would just like to thank you for your service to the community and stepping forward. I think your background is something that will lend itself very handy to that committee. I wish you success. Thank you.

Mayor Lozeau

Mr. Chairman, I would point out that Mrs. Overby, who is next on your agenda, is unable to be here tonight. She had an emergency with one of her children just before the meeting.

Chairman Clemons

Thank you.

Conservation Commission

Cynthia Overby (New Appointment)

Term to Expire: December 31, 2011

Chairman Clemons

In that case, we will bring forward someone who is no stranger to this board, former Alderman David MacLaughlin.

David MacLaughlin, Alternate (New Appointment)

Term to Expire: December 31, 2012

Mayor Lozeau

I know that former Alderman MacLaughlin needs no introduction to the committee overall, but I would take an opportunity to speak a little bit about the Conservation Commission. This commission right now, their Chairman has just resigned because he has moved out of state. This commission really needs to get membership that is able to hit the ground running, understands what their charge is, and can pay particular attention to some sensitive issues that are before them right now.

Mr. MacLaughlin has been a long serving member on that commission, and frankly was not only somebody that I immediately considered, but someone that the Chairman recommended as well. When he met with me to talk to me about where that commission was right now and what the items were that were before them and the talent that was needed on that commission, he asked if I was interested in Mr. MacLaughlin and I told him that I certainly was. When I spoke to Mr. MacLaughlin he seemed to be quite pleased. I will let him speak for himself. I appreciate the committee's consideration tonight.

David MacLaughlin

It gives me great pleasure to address you as Mr. Chairman, Alderman Clemons. I am used to seeing you in the wing seat where Mr. Craffey now sits.

Chairman Clemons

Thank you very much.

David MacLaughlin

Thank you very much for allowing me to appear before you as a nominee for this post. I did spend the last term as a Liaison from the Board of Aldermen to the Conservation Commission so I am familiar with the personalities. In my former position as Chair of this esteemed committee, I had the pleasure of getting to know the more recent appointees through this very process that we are undertaking tonight.

I must say I must respect the great work that one of the newest members of this committee did in her former affiliation with the Conservation Commission some years ago, and I would apply perhaps some of the same dedication and energy that Alderman Vitale applied when she was a member of the Conservation Commission looking out for our city's resources and recognizing the development pressures that most of the conservation land is surrounded by, and certainly some properties which are independently owned are now on sort of the verge of an important decision by the owners as to what to do with some of those properties. I think I may be able to add something in that area of discussion as well.

From a policy perspective, I am familiar with report that was put out I believe it was 2-3 years ago relative to the inventory of conservation lands in the city, natural resource listings, criteria to be used by the Conservation Commission and other land use boards in our city as to what would be important and what is not or because you can't have everything placed in conservation, of what you could to limited resources, what would be the best priority. I am familiar with that criteria and that process, and I am familiar with the workings of the commission.

Now that I have a little more time on my hands at this point, I would like to spend the majority of it in that particular area of city government.

Chairman Clemons

Thank you. I will open up the floor to the committee.

Alderman Vitale

A question to the Mayor first; you mentioned that along with the Chairman there are a number of openings.

Mayor Lozeau

Right now there are five openings. One of them was yours still and then Chairman Newhall's, Duran, Meyer, and Temperino. Tonight you will be looking at Peggy Trivilino's re-appointment. I was hopeful that Cynthia Overby would be here tonight. She had been a former member, which you may recall, and now of course she has been an alternate on the Planning Board so I was moving her here to be a full member. Hopefully she will be here next time.

Alderman Vitale

You have about 5 right now that are coming in?

Mayor Lozeau

Five yes.

Alderman Vitale

Mr. MacLaughlin I know as you probably do, as a Liaison for a year, the amount of time that it takes to not only go see properties that are currently being reviewed, but trying to know those properties that are out there that maybe aren't before the Conservation Commission at any given time, but to be aware of where they are, how they affect maybe water quality in general in the city. Did you find that you were out there quite a bit?

David MacLaughlin

Physically not traversing the properties that I think you are alluding to. I did have a description along with the commission members of where these properties are. There are over 20 of them, and to be in from really the start of their inventorying as a group these properties, which are under private ownership which could become public or it could be sold off for development for various reasons. I am aware of where they are in the city, I am aware of their acreage, their current ownership, and some of the aspirations of some of those owners to what they would like to see happen these undeveloped properties.

Alderman Vitale

Have you had the chance to go through the northwest conservation land?

David MacLaughlin

Not physically no.

Alderman Vitale

I would recommend that, it is really nice.

David MacLaughlin

Excellent.

Alderman Flynn

I knew I would see you soon. I am glad I get to see you again. You have a very nice resume. I have only known you for five years and I didn't realize you had such a broad history of volunteering. It is a very impressive resume. What drew my eye was this founding member of a recycling program, South Burlington, VT, 1991 so 19 years ago you were still very interested in the environment and green space. Overall this is a very impressive resume. You are an excellent candidate. I am very glad to see you continuing to be involved. Thank you.

Chairman Clemons

Are there other comments/questions? I would just like to say that I am glad that you will be continuing your public service to the city. I think that you were a great asset while you were here as an Alderman, and I think you will continue to serve the city well. I wish you the best going forward.

David MacLaughlin

Thank you Mr. Chairman. Thank you Alderman Flynn.

Mine Falls Park Advisory Committee

Edward D. Moran (New Appointment)

Term to Expire: December 31, 2012

Mayor Lozeau

Thank you Mr. Chairman. Mr. Moran is another citizen that discovered the city web site and the button that brings him to where can you volunteer and help to serve. He quickly found his way to the Mine Falls Park Advisory Committee. He lives somewhat near the Mine Falls and he uses it quite a bit with his family. When he came in to talk to me about it he was clearly excited about the idea of getting in there and helping out. As you know that is one of our most active advisory committees in the city, and they are always looking for folks that are willing to serve in particular what is important to them is having someone that can participate in their trail days six Saturdays a year to go in there and do some of the heavy lifting both literally and figuratively. I had that discussion with Mr. Moran and making sure that he was able to help out with that.

I also thought an added benefit was for his kids to see him giving back in a place that they spend time in as a family, which leads me to feel like that is kind of the way that we leave our legacy and we set an example. I am particularly pleased that he was willing to serve in this capacity. I am happy to introduce you to Mr. Moran.

Chairman Clemons

Thank you. Mr. Moran?

Edward D. Moran

She pretty much said it all. We use the park a lot and I would like to work with the committee and help keep it as nice as it is, and also to keep it so it is nice for my daughter when she is old enough to use it on her own.

Chairman Clemons

I will open it up to committee members.

Alderman Chasse

To the Mayor, how many on this committee?

Mayor Lozeau

There are 13 and a single vacancy. But that doesn't mean that there aren't a lot of people that aren't

official members that are participating because there are some that just come.

Alderman Chasse

I agree because there are a lot of yellow shirts walking around down there. Mr. Moran, it says you are working in California or are you working out of your home or something like that?

Edward D. Moran

I am a consultant and the main consulting company is in California. I work in Boxboro, MA

Alderman Chasse

So you are in the area.

Edward D. Moran

Tampa Street.

Alderman Chasse

Welcome aboard.

Edward D. Moran

Thank you.

Chairman Clemons

Are there any other comments or questions? Mr. Moran thank you for coming forward. I certainly can appreciate your love for Mine Falls Park. I actually moved into my house because the park is behind me. I live on Grand Ave. so the other side of the river. It is a beautiful park and it really takes commitment to keep that up because it is such a big area. The fact that you are bringing your enjoyment of use of the park to this committee I think is a good thing. I commend you for coming forward.

Edward D. Moran

Thank you.

Chairman Clemons

We will act on your nomination at a later point.

Zoning Board of Adjustment

Gerard A. Reppucci (Moving from Alt. to Full Member)

Term to Expire: September 11, 2010

Mayor Lozeau

Thank you Mr. Chairman. As this committee knows, zoning and planning boards are particularly difficult committees to find volunteers for not because we have a shortage of volunteers but because it is hard to

find volunteers that can dedicate the sheer amount of time it takes to serve on those boards. In addition, it takes a special kind of person that can sit through many controversial meetings and hearing and face angry people and still walk away feeling like they are contributing.

In addition, I think that it is really important when you see somebody that is willing to serve that way and has been serving that way as Mr. Reppucci has as an alternate, stepping up when they ask him, his attendance is great, that when a full board position becomes available I think they are the first ones that you should consider.

This committee often times has said to zoning and planning board members when I have been here with nominees for those boards, if there is anything ever that you want to make sure we know; problems on the zoning board or legislation you think we should be introducing or anything like that, be sure to come and talk to us. Since I have been Mayor Mr. Reppucci is the only one I have ever seen come in and actually take advantage of that invitation.

I know that there were some members of the board that supported the particular legislation that he came in to speak on and others that did not support it. But, what I thought was pretty compelling was that he was willing to come in and he took that invitation to heart and he did that. Now I don't frequently watch planning or zoning, I pay closer attention as I know that I am looking for people. I will read minutes and things like that. I haven't been before them, but on occasion I do catch them and I do read the minutes, and I have to say that I don't always agree or if I were sitting in the seat that Mr. Reppucci was in at the time, I may not have voted the same way he did.

But he meets the criteria that I talked to you earlier about. I think he is very professional, I think he treats people with respect; I think he is thoughtful, I think he speaks to what is on his mind while he is there, and I think he certainly does his homework. I am pleased to present him tonight for your consideration as a full board member.

Chairman Clemons

Thank you. Mr. Reppucci?

Gerard A. Reppucci

Thank you for the kind words Mayor. I enjoy serving on the zoning board and look forward to continuing to serve there. That is really all I have to say. Thank you.

Chairman Clemons

Thank you. I will open it up to the committee.

Alderman Chasse

I know that Alderman Deane had a bunch of questions, but I just have a couple. Were you involved with the new fields for Bishop Guertin? Were you sitting in as an alternate or were you...

Gerard A. Reppucci

I did. I sat on that case and unfortunately...

Alderman Chasse

As an alternate?

Gerard A. Reppucci

The way our board functions is we don't really differentiate on the board if you are an alternate member or a full time member. We differentiate if you are actually sitting on the case or not. There is no reference to your status. If you are a voting member you are. Do you see what I am saying? But I was a voting member on that case yes.

Alderman Chasse

That particular night?

Gerard A. Reppucci

Yes. Well it was actually several nights.

Alderman Chasse

Can I ask how you voted on that?

Gerard A. Reppucci

Yes. I voted, well let me be careful here, let me prerequisite this by saying this case is still within the window of appeal and I think it would be improper for me to discuss it, but certainly my vote is a public record so I have no problem stating that, but the detail of it I may tread lightly on. I don't want you to think I am avoiding your question I just want to be cautious about that.

My position on the Bishop Guertin case was that, like in any case, in order to meet a use variance requirement the applicant has the burden of demonstrating that there is a hardship that goes along with the criteria that is well defined by precedent in the court system. It is really called the Simplex Case. It was a case that was considered the definitive explanation from the court on how land use boards in the state should consider variances. My conclusion was that the applicant did not meet that burden.

I did not support the application. The board did support the application. The first time I voted against the application it was affirmed, there was a re-hearing request filed by an abutter. I supported that the board re-hear the case, which ultimately was supported I think unanimously if I am not mistaken to re-hear the case. The case was re-heard again. The end result was the same. The application was affirmed. I voted against it.

Alderman Chasse

You are talking to a guy that used to be on the zoning board so I know the five criteria. I can't remember them all, but you are working with it right now. Basically you look at the five criteria and the burden of the hardship. You take it case by case?

Gerard A. Reppucci

You have to. Sometimes that takes a little bit of effort to do that especially when you have similar applications; a person on the street is requesting an addition to their house or an expansion of their

driveway and a similar type case or a case that appears to be similar has been decided one way and then another case that looks very similar gets decided another way. You really have to consider everything on its own merit and kind of from the beginning.

I believe that I always do. Of course, if I am making a mistake in that area I am not capable of seeing it. Someone else may see it otherwise, but I think I try to apply that all the time.

Alderman Chasse

I feel for you because I know. Like I say I was on that board, and you can't please everybody. No matter what you do someone is going to be upset. That is all I have. Thank you.

Alderman Vitale

I served on the zoning board with Mr. Reppucci and I will say he does his homework on each of the cases that we review. We don't always agree, but it is a very good process to have the debate, it is only beneficial to what comes out of the zoning board. It makes our city stronger to have those debates and get the best vote possible to uphold our zoning laws. He is always extremely thorough, very much a gentleman, and I highly recommend him.

Alderman Flynn

I have been to a few meetings when citizens have asked me to go. I always thought that you have shown me good respect when I have been there. Thank you very much for that. I am sure it is just like our jobs here, it is a difficult job. I appreciate the interest that you have in your community. I don't watch too many aldermanic meetings. I try to watch zoning and planning board meetings, I do watch those, and every time I watch you are needed to fill a position. I don't know if you know about it ahead of time or if you just show up in case, but for whatever reasons they always seem to need you to move forward. I am sure your attendance is greatly valued.

I do have one assignment for you. The audio is terrible in that room. If you could just remind the other people that you sit with to lean a little forward perhaps. I think I have a soft voice in this room and probably a lot of those individuals do as well, but if you could remind them or try to encourage them to lean forward a little bit. Like I say I try to watch them and I miss out on an awful lot because I can't – there are going to be better cameras in that room, but they are doing nothing about the audio to my knowledge.

Mayor Lozeau

Actually we are looking at the audio. I don't know what the end result will be, but we are looking at it. In this room we couldn't make changes, but upstairs we may be able to. I agree.

Alderman Flynn

Well I am giving you that assignment. Thank you.

Chairman Clemons

I would just like to say just looking at your resume Mr. Reppucci speaks volumes as to your commitment to public service and also your prior experience on the zoning board is commendable. I think that you are going to serve well as a full time member, and I look forward to your nomination going through.

Gerard A. Reppucci

Thank you very much.

Chairman Clemons

You are welcome.

COMMUNICATIONS – None

PERIOD FOR PUBLIC COMMENT - None

APPLICATION TO LICENSE HAWKER'S, PEDDLER'S, ITINERANT VENDOR'S LICENSE - None

APPOINTMENTS BY THE MAYOR

Board of Registrars

Carol Ann Cordero (Re-Appointment)
144 Amherst St.
Nashua, NH 03064

Term to Expire: December 31, 2010

Michael Popovich (Re-Appointment)
6 Alex Circle
Nashua, NH 03062

Term to Expire: December 31, 2011

Kathryn Fogal (Re-Appointment)
105 Coburn Woods
Nashua, NH 03063

Term to Expire: December 31, 2012

Business and Industrial Development Authority

Jason B. Haviland (New Appointment)
29 Todd Road
Nashua, NH 03064

Term to Expire: September 13, 2012

Cable Television Advisory Board

Andrew Cernota (Re-Appointment)
129 Shelley Drive
Nashua, NH 03062

Term to Expire: January 1, 2013

Child Care Advisory Commission

Joan Schulze (Re-Appointment)
11 Spencer Drive
Nashua, NH 03062

Term to Expire: October 13, 2012

Conservation Commission

Cynthia Overby (New Appointment)
520 Broad Street
Nashua, NH 03063

Term to Expire: December 31, 2011

David MacLaughlin, Alternate (New Appointment)
4 Heritage Village Drive
Nashua, NH 03062

Term to Expire: December 31, 2012

Peggy Trivilino (Re-Appointment)
14 Profile Circle
Nashua, NH 03063

Term to Expire: December 31, 2012

Mine Falls Park Advisory Committee

Edward D. Moran (New Appointment)
37 Tampa Street
Nashua, NH 03064

Term to Expire: December 31, 2012

Zoning Board of Adjustment

Gerard A. Reppucci (Moving from Alt. to Full Member)
83 Kinsley Street
Nashua, NH 03060

Term to Expire: September 11, 2010

MOTION BY ALDERMAN CHASSE TO RECOMMEND CONFIRMATION OF THE APPOINTMENTS OF THE MAYOR: FOR THE BOARD OF REGISTRARS THE RE-APPOINTMENT OF CAROL ANN CORDERO FOR A TERM TO EXPIRE DECEMBER 31, 2010, MICHAEL POPOVICH FOR A TERM TO EXPIRE DECEMBER 31, 2011, AND KATHRYN FOGAL FOR A TERM TO EXPIRE DECEMBER 31, 2012, TO THE BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY JASON B. HAVILAND FOR A TERM TO EXPIRE SEPTEMBER 13, 2012, TO THE CABLE TELEVISION ADVISORY BOARD ANDREW CERNOTA FOR A TERM TO EXPIRE JANUARY 1, 2013, TO THE CHILD CARE ADVISORY COMMISSION JOAN SCHULZE FOR A TERM TO EXPIRE OCTOBER 13, 2012, TO THE CONSERVATION COMMISSION DAVID MACLAUGHLIN FOR A TERM TO EXPIRE DECEMBER 31, 2012 AND PEGGY TRIVILINO FOR A TERM TO EXPIRE DECEMBER 31, 2012, TO THE MINE FALLS PARK ADVISORY COMMITTEE EDWARD D. MORAN FOR A TERM TO EXPIRE DECEMBER 31, 2010, AND TO THE ZONING BOARD OF ADJUSTMENT GERARD A. REPPUCCI FOR A TERM TO EXPIRE SEPTEMBER 11, 2010

ON THE QUESTION

Alderman Flynn

I should have been paying closer attention, but is Cynthia Overby in the motion or not in the motion?

Chairman Clemons

She is not.

Alderman Flynn

Thank you.

Chairman Clemons

Is there further discussion?

MOTION CARRIED

MOTION BY ALDERMAN CHASSE TO HOLD THE APPOINTMENT OF CYNTHIA OVERBY

MOTION CARRIED

UNFINISHED BUSINESS - None

NEW BUSINESS – RESOLUTIONS – None

NEW BUSINESS - ORDINANCES

O-10-02

Endorser: Alderman-at-Large Brian S. McCarthy

**UPDATING THE REFERENCE TO THE VERSION OF MASON'S MANUAL OF LEGISLATIVE
PROCEDURE USED BY THE BOARD OF ALDERMEN**

MOTION BY ALDERMAN CHASSE TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Chasse

I know that it was endorsed by Alderman McCarthy and this is just a clean up for the new manual, using the 2000 edition of Mason's Manual.

Chairman Clemons

Is there further discussion on the motion?

Alderman Vitale

It is my understanding there are no changes between the old manual and the new manual.

Alderman Chasse

Just the year.

Chairman Clemons

Is there further discussion?

MOTION CARRIED

O-10-03

Endorser: Mayor Donnalee Lozeau

CORRECTING AND UPDATING SEVERAL ITEMS OF ADMINISTRATIVE LEGISLATION

Chairman Clemons

I would like to invite the Mayor forward. She would like to speak on that before we entertain a motion.

Alderman Chasse

Would it be wise to entertain a motion first and then let her speak on it?

Chairman Clemons

We can do it either way.

MOTION BY ALDERMAN CHASSE TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Mayor Lozeau

Thank you. Mr. Chairman as you can see under the analysis for this legislation this is something actually that Legal had on the list for quite some time after we made the changes with administrative services back in my first year coming in. The first item has nothing to do with administrative services, it is a duplication error on the long-term disability program for the property & casualty fund because it is already included in the employee benefits fund and then the remaining items in the legislation relate to references to the administrative services director, which as I said we no longer have. I just thought I would stick around for this.

Chairman Clemons

Thank you for the explanation. Are there further comments?

Alderman Flynn

Mayor I have the most recent telephone directory that was circulated in our envelopes last Friday and I have the budget book for 2010, but I can't figure out who these people are. Who is the Financial Services Division Director? I can't find it in either place.

Mayor Lozeau

That is the CFO.

Alderman Flynn

Why do we not list it as the CFO? Is that long-standing language that we want to misnomer it?

Mayor Lozeau

I don't know. When I got here that is how it was. I assumed there was some reason. I guess it is fair to say he probably has two titles. He serves as the city's Chief Financial Officer and in that capacity he

also serves as the Division Director for Financial Services. Actually that does make sense when you think about it that way.

Alderman Flynn

Form the outside I wouldn't be able to figure out who it was. Is there any objection to correcting it to show Chief Financial Officer?

Mayor Lozeau

It would seem to me based on the way I just explained it to you and the thought process on how the city organization charts work I have no problem with that, but I would recommend that you probably don't eliminate the other one. I wouldn't want an unintended consequence, but if you want to say Financial Services Division Director/CFO I think that would be fine and would likely clarify it the way you are describing, and I will make note of it for this year's budget book.

Alderman Flynn

Thank you.

Mayor Lozeau

You are welcome.

Alderman Flynn

I will make that amendment.

MOTION BY ALDERMAN FLYNN TO AMEND O-10-03 IN SECTION 2 BY ADDING “/CFO” AFTER THE WORDS “FINANCIAL SERVICES DIVISION DIRECTOR”
MOTION CARRIED

Chairman Clemons

The motion is to recommend final passage as amended. Is there any discussion?

MOTION CARRIED

O-10-04

Endorser: Mayor Donnalee Lozeau

UPDATING THE RESPONSIBILITY FOR PARKING METER AND PERMIT MATTERS

MOTION BY ALDERMAN CHASSE TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Mayor Lozeau

Thank you Mr. Chairman. This, like the other one, is just a matter of administrative clean up based on the reorganization that we did in the last few months for creating a transportation department within the community services division.

Chairman Clemons

Is there discussion?

Alderman Flynn

I have the same problem here. Do we have a transportation department manager or a transit director?

Mayor Lozeau

We now have a transportation department manager, which just happened under the reorganization, which is why you are not seeing it. It will be in next year's budget book.

Alderman Flynn

When I ask for my next phone directory I will have one as well?

Mayor Lozeau

I will ask them to update that or just to put the right title there.

Alderman Flynn

Just so we know who the right people to contact.

Mayor Lozeau

I think that is a great question.

Chairman Clemons

Is there any further discussion? The motion is to recommend final passage of O-10-04.

MOTION CARRIED

O-10-05

Endorser: Alderman-at-Large Ben Clemons

**UPDATING THE DESCRIPTION OF WHAT VEHICLES MAY BE USED AS TAXICABS AND
QUALIFYING ALL HYBRID ELECTRIC VEHICLES TO BE USED AS TAXICABS**

MOTION BY ALDERMAN VITALE TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman Clemons

Since this is my legislation, I would like to just give you a brief background of why I am proposing this and also a slight change that I would like to propose as well. Currently we do not allow compact vehicles to be taxi cabs in this city and there are a number of reasons why we do that and it was brought up last term some of those reasons. However, I feel that there should be an exception to hybrid electric vehicles.

These are your Honda Civic hybrids or your Toyota Prius'. The reasoning behind it is I believe that the city should really encourage taxi companies to use these types of vehicles because they cut down on the air pollution and they do good things for the environment. While I understand the concerns behind smaller vehicles, these vehicles tend to be very safe. They pass the government ratings, and I think if a taxi company wanted to use one of these that we should allow them. I think it is a good compromise between those that want to use compact cars and those that don't. This is a very good compromise.

That is the reason why I brought that forward. Having discussions with some of the Aldermen, it came up that we might want to amend this in the paragraph "notwithstanding the foregoing, all hybrid electric vehicles qualify to be used as taxicabs" by replacing that with "notwithstanding the foregoing, all four door hybrid electric vehicles qualify to be used as taxicabs". The reason is there are two door vehicles and obviously we don't want them to be used.

MOTION BY ALDERMAN VITALE TO AMEND O-10-05 BY REPLACING THE WORDS "NOTWITHSTANDING THE FOREGOING, ALL HYBRID ELECTRIC VEHICLES QUALIFY TO BE USED AS TAXICABS" WITH "NOT WITHSTANDING THE FOREGOING, ALL FOUR DOOR HYBRID ELECTRIC VEHICLES QUALIFY TO BE USED AS TAXICABS"

ON THE QUESTION

Alderman Chasse

Is this in "§300-1. Definitions? Section D?"

Alderman Flynn

The part that is underlined.

Chairman Clemons

Yes. It would say "notwithstanding the foregoing, all four door hybrid electric vehicles qualify to be used as taxicabs." Is there any discussion?

Alderman Vitale

Did this come up as a topic in any certain way? I was just wondering if it was something that came with discussion so the Green Team, which it would kind of be something they might look at in their purview.

Chairman Clemons

No. It actually didn't. Last year there was legislation that was to allow for compact taxicabs to be allowed, and that was indefinitely postponed. I thought this was a very good compromise that is good for the environment and good for the taxi companies that are looking to have compact vehicles.

Alderman Vitale

Thank you.

Chairman Clemons

Is there further discussion?

MOTION CARRIED

Chairman Clemons

The motion is to recommend final passage as amended. Is there further discussion?

Alderman Chasse

It is funny that you bring this particular ordinance up because in 1997 when I was on this board this is exactly one of the pieces of legislation we worked on, and it was Alderman Plamondon, me, and a couple others. One of the problems we had was going to smaller cars we had a recommendation from the police department with a negative impact, the fire department negative, and it also fell under the insurance, the taxicab insurance umbrella or whatever where they could not use small cars due to the fact that they are carrying people, accidents, etc. I don't know if you received feedback from any of these people, but that is why you saw it labeled out certain size cars, you had to have 110 cubic feet.

He wanted to come in with Volkswagens. That is exactly what it was. We worked on this thing to eliminate that because the taxicab company came in and said if I can use Volkswagens for gas purposes and saving money. It made sense, but for safety reasons it was a no. Have you followed up with the police department on this or the fire department?

Chairman Clemons

I have not. I have, however, had discussions with some former Aldermen and Aldermen that were involved in that. I talked to former Alderman Plamondon who reminded me of that conversation that you had back then and he brought that forward and told me about that, and I said I understand. I understand there are insurance and safety issues, but I think that is something better left to the private company to bear the burden. I am not big on government regulation as far as how somebody runs their business. If somebody wants to use a compact car to carry people I feel as long as it has met our government's safety standards that we should allow them to do that.

On the other hand, I understand that there are some safety issues involved and that people have valid concerns with that. Quite frankly I think this is the best of both worlds. I think it does a good thing for our environment.

Alderman Chasse

Would you have a problem with tabling this to see if you can get some kind of feedback from the police and fire departments? We worked so hard on this and now we are kind of – I would like to have their blessing on this thing. I don't have a problem with the ordinance, but I would just like to see a blessing with it.

Chairman Clemons

Sure. I have no objection to tabling it this evening.

Alderman Vitale

I don't have a problem with tabling it either because it is not something that is an urgent matter or has timing on it or anything like that. I would say between 1997 and 2010 our vehicles have come a long way as far as safety standards. You could look at any of the auto magazines and references to the improvements. Also, if you are looking at there might still be insurance companies out there that would not let their taxicab companies use it, but it might be on an individual insurance basis. That is something I believe we should leave to those companies to determine if they can use the ordinance as written or if

their insurance company says sorry you can't have that car in your fleet. I do believe that falls on them versus on the city to write an ordinance around it. I see no problem in conferring with the police or fire department.

Alderman Flynn

On a separate note, I just wondered – now the word compact car is stricken from this ordinance and it looks like by definition you couldn't have a compact car. It is kind of a conflict here; it says it shall be a compact car and it has to have a minimum cargo volume of 110 cubic feet, which doesn't meet the definition of a compact car. Technically I suppose a Toyota Corolla could not be a taxicab based on this in the past because it sounds like it could have been a compact car but you would have been under the cubic foot volume. Do we have any taxicabs now that will have to come off the road based on this legislation? Do we have any compact cars that are registered taxicabs? Has that been checked with the City Clerk's Office or City Treasurer?

Chairman Clemons

Yes. Another good reason to table is I did have a communication from the City Clerk regarding this and I will bring that forward to the next meeting. No, we currently do not have any compact cars that are taxis. They have been phased out. I think it was since '97 and they had a nine year grace period so we are outside of that now.

Alderman Flynn

Whatever this communication is you are going to send us that before the next meeting?

Chairman Clemons

Absolutely.

Alderman Flynn

Thank you.

MOTION BY ALDERMAN CHASSE TO TABLE O-10-05

MOTION CARRIED

O-10-06

Endorser: Alderman-at-Large Ben Clemons
Alderman-at-Large Lori Wilshire
Alderman Diane Sheehan
Alderman Jeffrey T. Cox

REDUCING THE ANNUAL TAXICAB VEHICLE LICENSE FEE FOR HYBRID ELECTRIC VEHICLES

MOTION BY ALDERMAN FLYNN TO HOLD

ON THE QUESTION

Chairman Clemons

I just want to give you the background on this one.

Alderman Flynn

I will withdraw my motion.

Chairman Clemons

I am going to give a little bit of flexibility. We can have the motion to hold, but I...

Alderman Flynn

I wasn't trying to cut anybody off. I just see them as companion legislation.

Chairman Clemons

They actually aren't and I wanted them to be separate because...

Alderman Chasse

Point of Order. I think if we hold something and we start discussing it we will open up another can of worms.

MOTION WITHDRAWN

Chairman Clemons

Thank you. This is separate from the other piece of legislation because obviously there are hybrid vehicles that are over the 110 cubic feet. What this does is it is basically an incentive plan if you will to encourage taxi companies to get hybrid vehicles and to use them as part of their fleet. I think that the city should be doing its part in encouraging better environmental use because often times the taxis that they use are large vehicles that for better or worse have a lot of pollution and they sit and idle and it is not necessarily a good thing for anybody. I think by showing this gesture that will reduce the fee by \$74, we're trying to encourage those types of vehicles to come into the fleets in the city.

Again, this goes back to one of the communications that I had with the City Clerk, which I forgot to bring. He estimated that the city would lose between \$74 and \$296 within the next five years based on this at best because he doesn't see hybrid electric vehicles as being something that the current taxi companies are necessarily going to embrace right away. It doesn't mean, however, at least in my opinion, that we shouldn't try to encourage them in whatever way that we can to get these vehicles. That is why I brought this forward.

Alderman Chasse

In the last two pieces of legislation I would suggest maybe before we bring them back and work on them, everywhere where it says hybrid vehicle in the body and the title we stipulate four door hybrid. When we bring them back you might want to make sure you have your amendments ready to go.

Chairman Clemons

Is there anything further?

Alderman Flynn

I hadn't thought about this before tonight. As I am looking at this I am thinking to myself if the idea here is to encourage hybrid vehicles, would we give some rebate to those who aren't taxicab owners? Where does this begin and end? How does this play out over an extended time? Do you expect that this is going to go further or is your desire to get cleaner fuel vehicles on the road including non taxicabs?

Chairman Clemons

It is my understanding the state would not allow that to begin with. For taxicabs we can charge whatever fee the Board of Aldermen sees fit to register them in the city and that is under State Statute. As far as registering vehicles, there are very strict guidelines that cities and towns have to go through. I don't know them off the top of my head, but my suspicion is that we probably wouldn't be able to do that even if we wanted to.

Alderman Vitale

On a note on that, I think our government just did the cash for clunkers to get cars off the road and they did in fact give you money to get certain cars off the road. That is probably not going to be at a city level, it is probably something that is going to be along that type of venue. Whether it ever comes forward who knows, but I think that would be something that would either be at the federal government or the state government level and not at the city level. I do think that having a reduced fee for hybrid vehicles does follow what we are trying to promote in the city; conserving energy, everything our Green Team does, the conservation of energy, and using hybrid vehicles is just one way that we can do that.

Chairman Clemons

Is there further discussion?

Alderman Flynn

Do you have a communication from the City Clerk or something about that?

Chairman Clemons

I do and I will send that out.

Alderman Flynn

I would like to see that as well. Thank you.

**MOTION BY ALDERMAN FLYNN TO HOLD
MOTION CARRIED**

DISCUSSION - None

ADJOURNMENT

**MOTION BY ALDERMAN CHASSE TO ADJOURN
MOTION CARRIED**

The meeting was declared closed at 8:00 p.m.

Alderman Arthur T. Craffey, Jr.
Committee Clerk